REMARKS

Claims 1-62 are pending in the present application. Applicant respectfully requests reconsideration of the pending Claims in view of the following remarks.

Telephonic Discussion Summary

Applicant thanks the Examiner (Sharad K. Rampuria) for the courtesies extended to Sanders N. Hillis (Reg. No. 45,712) during a telephonic discussion on September 13, 2006. During the discussion, independent Claim 1 was discussed in view of U.S. Patent No. 6,115,611 to Kimoto et al. In addition, dependent Claims 2-5 were discussed. No agreement was reached, however, the Examiner agreed to consider our arguments carefully, and discuss the basis of the present rejections with his supervisor.

Premature Final Rejection

Applicant respectfully asserts that new grounds of rejection were raised in the rejection of the pending Claims. Specifically, Claims 12-13 were previously rejected as obvious in view of two cited references, and are now being rejected as lacking novelty in view of one cited reference. As discussed in the office action response mailed May 12, 2006, Claims 12-13 were amended only to correct translation errors, and were not narrowed in view of the cited art. In addition, Claims 2-7, 28-32, 50-51, 55-57, 61-62, and Claim 23 and Claim 46 were rejected on new grounds since portions of the reference that were not previously cited are now being cited as grounds for rejection of the pending claims. Specifically, on page 4 and page 7 and page 9 of the office action mailed July 26, 2006, Col. 57 lines 15-34 and Col. 56 line 46 thru Col. 57 line 25, and Col. 56 line 46 thru Col. 57 line 25, respectively, were cited for the first time. "[S]econd or subsequent actions on the merits shall be final *except where the examiner introduces new grounds for rejection* that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement..." MPEP 706.07(a) (emphasis added)

Claims 2-7, 28-32, 50-51, 55-57, 61-62, and Claim 23, and Claim 46 were not amended to overcome the cited art, and U.S. Patent No. 6,115,611 to Kimoto et al. was not newly cited. In addition, Applicant specifically indicated in the office action response filed May 12, 2006 that

the limitations described in Claims 23 and 46 were not addressed at all in the office action mailed December 15, 2005. Thus, Applicant respectfully requests withdrawal of the finality of the final rejection pursuant to MPEP 706.07(e), and issuance of a non-final office action to allow Applicant the opportunity to respond to the new grounds of rejection that have been raised.

Claim Rejections pursuant to 35 U.S.C. §102(e)

Claims 1-62 stand rejected pursuant to 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,115,611 to Kimoto et al. (hereinafter "Kimoto"). Applicant respectfully traverses these rejections since Kimoto does not describe each and every limitation of the claims. To anticipate a claim, the reference must teach each and every limitation of the claim. (MPEP §2103)

Claims 1-11, 14-22 and 61

The method of Claim 1 describes adding, at said mobile communication terminal, said acquired location information to said down data in accordance with said format of said down data. On page 3 of the office action mailed July 26, 2006, it was apparently asserted that these limitations are anticipated by Kimoto's information center (2) and the various components therein (accumulating unit 21, retrieving unit 22, accumulation controlling unit 23, and information/service transmitting unit 24).

Firstly, Claim 1 describes adding *at said mobile communication terminal*, said acquired location information. (emphasis added) Clearly, Kimoto's information center is not a mobile terminal, but is instead connected to a mobile terminal "with a predetermined communication method to configure a mobile communication system." (Col. 16 lines 12-14)

Secondly, Claim 1 describes *adding* at said mobile communication terminal, *said acquired location information to said down data* received at said mobile communication terminal. Even if Kimoto's information center was a mobile terminal, Kimoto's information center is clearly not receiving down data and adding acquired location information to said down data as described in Claim 1. To the contrary, as described on page 3 of the office action mailed July 26, 2006 and Col. 16 lines 34-50, Kimoto describes that position information transmitted from a mobile terminal is received, and information or services are then retrieved that are related

to the received position information. Kimoto also describes that the retrieved information or services are transmitted to the mobile terminal that transmitted the position information. (Col. 16 lines 44-50) Nowhere does Kimoto describe adding anything to received data, and therefore clearly cannot describe adding, at a mobile communication terminal, acquired location information to down data containing a request for location information as described in Claim 1.

Further, for purposes of appeal, the cited portions of Kimoto clearly provide no discussion of a character string as described in Claims 2-4, or substituting acquired information for said character string as described in Claim 5. In the office action mailed July 26, 2006, it was apparently asserted that Kimoto's URL was such a character string. To the contrary, not only is the URL described by Kimoto sent <u>by</u> a mobile terminal, not <u>received</u> as down data, but clearly does not involve a mobile communication terminal detecting whether said down data contains a character string requesting information as described in Claims 2-4. Also, contrary to the apparent assertion in the office action mailed July 26, 2006, CSID (position identification information) is not an acquisition time of said location information, but rather, according to Kimoto, is simply position identification information provided by a base station to bring a mobile terminal into a connected state. (Col. 34 lines 53-56) In addition, the cited portions of Kimoto are very clearly silent on any form of substitution of acquired information for a character string as described in Claim 5. Also, the cited portions of Kimoto do not describe down data containing a request for location information and address(es) as described in Claims 6-7. In addition, contrary to the assertions on page 4 of the office action mailed July 26, 2006, the selection by a user of a list depending on a time zone is not describing acquisition and transmittal of location information at predetermined intervals as described in Claim 8, or transmitting during a period designated by down data as described in Claim 9, or transmitting at time point designated by down data as described in Claim 10.

Claim 14 describes storage of disclosure information indicating whether said location information is to be disclosed to a computer. Kimoto, on the other hand, does not describe down data containing a request for location information, and also clearly does not describe receiving down data from said computer to which said location information is to be disclosed as described in Claim 14, or transmitting a notice of rejection as described in Claim 15. In fact, the office action mailed July 26, 2006 is completely silent with regard to these limitations. Further, since

Kimoto does not describe down data containing a request for location information, Kimoto cannot possibly describe that said down data contains information designating a method of location measurement as described in Claim 16, and support for such a rejection is entirely absent from the office action mailed July 26, 2006. In addition, it follows that Kimoto cannot possible describe a quality condition of location information as described in Claim 17. Further to the previous discussion, Kimoto also does not describe a character string embedded in a menu item as described in Claim 61.

Claims 23-26

Despite the previously described grounds for a premature final rejection, Applicant herewith submits the following arguments while preserving the right to respond to the present rejections in a non-final office action. Claim 23 describes transmitting, by said mobile communication terminal, said pre-stored network address for receipt by said destination mobile communication terminal after adding said acquired location information to said pre-stored network address. The cited portions of Kimoto, on the other hand, describes generation of a URL to demand and receive map data, such as a .GIF file or a HTML file. (Col. 57 lines 26-34) In sharp contrast to Claim 23, Kimoto describes transmitting a URL to obtain map data, not transmitting, for receipt by a destination mobile communication terminal, a pre-stored network address after adding acquired location information as described in Claim 23. Claim 23 further describes a pre-stored network address indicative of a server that provides map location information that is accessible by said destination mobile communication terminal. Kimoto, on the other hand, very clearly describes demanding and receiving map information with a web browser of a mobile terminal on which the web browser is operating. (Col. 54 lines 60-67)

Claims 27-36, 39-45 and 62

Claim 27 includes a processing means further configured to add said acquired location information to said received down data in accordance with said format of said down data. In sharp contrast, Kimoto does not describe any means to add acquired location information to received down data. To the contrary, the mobile terminals of Kimoto are simply described as able to transmit position information to an information center, as previously discussed. Kimoto

includes no discussion of the contents of such transmittals and clearly does not describe processing means configured to add acquired location information to received down data as described in Claim 27. In addition, Kimoto cannot possibly describe communication means configured to transmit said down data that includes added information as up data as further described in Claim 27.

In addition, Kimoto fails to describe processing means that is configured to detect a character string in down data that requests specific information as described in Claims 28, 29, and 30, communication means configured to substitute acquired information for a predetermined character string contained in down data as described in Claim 31, or processing means configured to detect addresses in down data as described in Claim 32. Contrary to the assertions in the office action mailed July 26, 2006, the URL described by Kimoto is clearly not a character string contained in down data as previously discussed. Further, the time zone described by Kimoto in Col. 40 lines 25-40 does not describe acquisition of location information at predetermined intervals before transmission as described in Claim 33, transmitting acquired location information during a period designated by down data as described in Claim 34, or at a time point designated by said down data as described in Claim 35.

Claim 39 describes down data that contains information designating a location measuring method, and Claim 40 describes down data that contains data designating a quality condition of location information. Contrary to the assertions in the office action mailed July 26, 2006, Kimoto fails to describe down data that contains such information, or designation of a quality condition thereof, and therefore cannot possibly describe a processing means that is configured to select a location measuring method designated by down data as further described in Claim 39 or a processing means configured to select a location measuring method based on the designated quality condition as described in Claim 40. In fact, the office action mailed July 26, 2006 is completely silent regarding the data designating a quality condition of location information as described in Claim 40. As previously discussed, Kimoto also fails to describe stored disclosure information as described in Claim 43 or transmission of a notice for rejecting the provision of said location information as described in Claim 44. In fact, a discussion of these limitations is completely absent from the office action mailed July 26, 2006. Also, Kimoto does not describe means for determining if a predetermined character string contained in down data received by a

mobile terminal is embedded in a selected one of a plurality of menu items as described in Claim 62.

Claims 46-48

Despite the previously described grounds for a premature final rejection, Applicant herewith submits the following arguments while preserving the right to respond to present rejection in a non-final office action. Claim 46 is directed to a mobile communication terminal served by a mobile communication network. On page 9 of the office action mailed July 26, 2006, it has been asserted that Kimoto's information center anticipates the limitations described in Claim 46. Clearly, Kimoto's information center is not a mobile terminal, as previously discussed. In addition, Claim 46 describes transmitting means configured to transmit said address <u>and</u> said location information for receipt by said arbitrary terminal to allow a present location of said mobile communication terminal to be mapped by said arbitrary terminal using said location information and said network address to obtain map information. On page 9 of the office action mailed July 26, 2006, it was asserted that Kimoto's URL anticipates these limitations. Applicant respectfully disagrees.

As previously discussed, Kimoto's mobile terminal uses a URL to demand and receive map data. Thus, Kimoto's mobile terminal is clearly not configured to transmit said address and said location information for receipt by an arbitrary terminal to allow a present location of said mobile communication terminal <u>to be mapped by said arbitrary terminal using said location information and said network address to obtain map information</u>. To the contrary, Kimoto clearly describes that the mobile terminal demands map data with a URL in order to quickly display a map and decrease the time of communication with Kimoto's information center. (Col. 57 lines 1-7) Clearly, Kimoto is not concerned with nor describes transmittal of a network address and location information to allow a present location of a mobile communication terminal to be mapped by an arbitrary terminal as described in Claim 46.

Claims 49-60

Claim 49 describes a mobile communication terminal that includes a microcomputer configured to replace a portion of said received down data with said acquired location

information. Kimoto does not describe replacement of a portion of any data with acquired location information. To the contrary, Kimoto simply describes that location information can be transmitted from a mobile terminal to an information center, as previously discussed. It follows that since Kimoto does not describe replacement of a portion of received down data, Kimoto cannot possibly describe transmittal with a radio unit included in said mobile communication terminal resulting data as up data as also described in Claim 49.

In addition, for purposes of appeal, Kimoto does not describe down data that includes a determined data string as described in Claim 50. On page 4 of the office action, it was apparently asserted that Kimoto's URL was equivalent. Applicant respectfully traverses this assertion since in Claim 50 down data that includes a data string is received by a radio unit included in mobile communication terminal. Whereas Kimoto describes a URL that is transmitted by a mobile terminal. Clearly, transmittal and receipt are completely different operations.

In addition, it follows that Kimoto cannot possible describe a predetermined data string that is a request for a state of a user as described in Claim 51. Also, a selectable status indicator that is determinable by said microcomputer as described in Claim 52, or manually selectable as described in Claim 53 is not described by Kimoto. In fact, discussion of any of the limitations described in Claims 51-53 is completely absent from the office action mailed July 26, 2006. In addition, that the selectable status indication comprises at least one of at home, moving in a car, moving on a train, or in a meeting as described in Claim 54 is completely absent from both Kimoto, and the office action mailed July 26, 2006.

Contrary to the assertion on page 4 of the office action mailed July 26, 2006, Kimoto also fails to describe a microcomputer that is configured to determine, prior to transmission of said location information, whether a source of said down data is authorized to receive said location information as described in Claim 55. In addition, the office action mailed July 26, 2006 is absent any discussion of the authorization limitation described in Claim 55. Also, the cited portions of Kimoto fail to describe menu items that include a data string that is a request for location information as described in Claim 56, or down data that includes a plurality of destination addresses as described in Claim 57. Further, transmittal until a time specified in said down data as described in Claim 58, transmittal of said up data at a time specified in said down
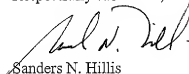
data as described in Claim 59 or down data that includes information designating a location information measurement method as described in Claim 60 are also not described by Kimoto or addressed in the office action mailed July 26, 2006.

For at least the previously discussed reasons, Kimoto does not describe each and every limitation of Claims 1-62, and Applicant respectfully requests withdrawal of the 35 U.S.C. §102(e) rejection of these Claims. To anticipate a claim, the reference must teach each and every limitation of the claim. (MPEP §2103) Clearly, as discussed in detail above, Kimoto does not anticipate each and every limitation of pending Claims 1-62.

Conclusion

The presently pending claims of this application are allowable in their present form over the cited references. Thus, Applicant respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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